STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION

McLeodUSA Telecommunications Services, Inc.	)	
Petition for Arbitration of Interconnection Rates Terms and Conditions and Related Arrangements With Illinois Bell Telephone Company d/b/a Ameritech Illinois Pursuant to Section 252(b) of the Telecommunications Act of 1996	)	No. 01-0623

REVISED DIRECT TESTIMONY

OF

JENNIFER BRACKEN

On Behalf of

AMERITECH ILLINOIS

October 24, 2001

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ISSUES:
23, 25
and 28

Q. PLEASE STATE YOUR NAME AND ADDRESS.

A. My name is Jennifer Bracken. My business address is 311 South Akard, Room 1240.01, Dallas, Texas, 75202.

Q. BY WHOM ARE YOU EMPLOYED AND IN WHAT POSITION?

A. I am employed by Southwestern Bell Telephone Company ("SWBT"). I work in SBC Communications Inc.'s ("SBC") Wholesale Marketing group. My title is Associate Director – Regulatory Support.

Q. BRIEFLY OUTLINE YOUR WORK EXPERIENCE.

A. In my position, I am responsible for researching, formulating and communicating Ameritech's and other SBC ILECs' positions regarding the provisioning of Unbundled Network Elements ("UNEs") used by Competitive Local Exchange Carriers ("CLECs") to provide services, including advanced services, to end-users. The primary responsibilities of SBC's Wholesale Marketing group are to develop and manage wholesale products and services; to support negotiations of local interconnection agreements by the SBC Incumbent Local Exchange Carriers ("ILECs") with CLECs; to participate in the state arbitration proceedings under Section 252 of the federal Telecommunications Act of 1996 ("FTA"); and, to guide the SBC ILECs' compliance with the FTA and federal and state laws concerning the continued implementation of the FTA. Prior to my current position, my most recent position was Area Manager – Most Favored Nations in the Wholesale Marketing group. In this position, I was responsible for researching, formulating and communicating SBC's policy regarding the provision of UNEs for CLEC customers seeking to incorporate into their interconnection agreements provisions from other CLECs' interconnection agreements. I began my career with SBC

as Manager at the Local Service Center ("LSC") in Fort Worth, Texas. In that position, I supervised service representatives who processed CLEC requests for local telecommunications products and services and handled day-to-day operational issues, questions and concerns of the CLECs supported by those service representatives.

Q. WHAT IS YOUR EDUCATIONAL BACKGROUND?

A. I have a Bachelor of Science in Marketing from Rivier College located in Nashua, New Hampshire and a Masters of Business Administration from Rivier College.

Q. HAVE YOU PREVIOUSLY FILED TESTIMONY IN A REGULATORY PROCEEDING?

A. Yes. I have filed written and/or provided live testimony as a subject matter expert on SBC's advanced services-related policies and procedures before state regulatory agencies in Missouri and Ohio.

Q. WHAT IS THE PURPOSE OF YOUR TESTIMONY?

A. My testimony will address Ameritech's position on Arbitration Issues #23, 25 and 28.

ISSUE 23: SHOULD AMERITECH BE REQUIRED TO MAKE AVAILABLE THE HFPL UNE WHEN MTSI PROVIDES VOICE SERVICE TO A CUSTOMER USING AN AMERITECH LOOP AND SWITCH PORT (EITHER BY RESALE OR THROUGH A COMBINATION OF NETWORK ELEMENTS)?

Q. PLEASE PROVIDE A BRIEF EXPLANATION OF LINE SHARING.

A. In its *Line Sharing Order*,[1] the FCC created a new unbundled network element, the High Frequency Portion of the Loop ("HFPL"), that Ameritech now makes available to

[1] *Deployment of Wireline Services Offering Advanced Telecommunications Capability, CC Docket No. 98-147, Third Report and Order in CC Docket 98-147, Fourth Report and Order in CC Docket No. 96-98*, FCC No. 99-355 (rel. Dec. 9, 1999) ("*Line Sharing Order*") at para.4.

CLECs. The FCC defined "line sharing" as "the provision of xDSL-based service by a competitive LEC and voiceband service by an incumbent LEC on the same loop." The FCC required ILECs "to provide access to [the HFPL] network element to a single requesting carrier, on loops that carry the incumbent's traditional POTS, to the extent that the xDSL technology deployed by the competitive LEC does not interfere with the analog voiceband transmissions."[2] In the *Line Sharing Order*, the FCC required ILECs to offer the HFPL UNE under the following conditions:

- Two carriers – the ILEC, as the voice/POTS provider, and one data provider - provide service to the same customer for both voice and data over the same loop. The data provider's service must be provided at the same customer address as the traditional POTS analog voice service provided by the ILEC, i.e., one customer per loop (Line Sharing Order, ¶ 74).

- xDSL technology used to provision the data service must not use the frequencies immediately above the voice band, preserving a "buffer" zone to ensure the integrity of the voiceband traffic (Line Sharing Order, fn. 136).

- xDSL technology must not interfere with analog voice band transmission (Line Sharing Order, ¶¶ 70-71).

- The customer loop over which the data service is provisioned must also carry traditional POTS analog voice band services provided by the ILEC. If the ILEC's retail POTS service is disconnected, for whatever reason, the data provider must purchase the entire stand alone loop to continue providing xDSL to the customer. Similarly, incumbent carriers are not required to provide line sharing to a requesting carrier purchasing a combination of network elements known as a UNE platform (Line Sharing Order, at paragraphs 72-73).

As noted above, Ameritech makes the HFPL UNE available to CLECs that choose to line share as described above. The HFPL UNE was created by the FCC because, without it, CLECs would be unable to share a loop used by the ILEC to provide POTS service.

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2 *Line Sharing Order* at para. 70.

Q. WHAT IS LINE SPLITTING?

A. Line splitting occurs when a single carrier or two partner carriers provide voice and data services over the same unbundled xDSL-capable loop and self provision their own splitter. As the FCC has made clear, line splitting is not a service provided by Ameritech, but an activity performed by the CLEC. As a result, Ameritech has no direct involvement in the actual line splitting process. Rather, Ameritech's sole obligation with respect to line splitting is to provide the UNEs that the CLEC or CLECs order pursuant to their respective interconnection agreements. Consistent with FCC Orders, Ameritech supports line splitting where a CLEC obtains separate UNEs (including unbundled loops and unbundled switching), and combines them with its own splitter (or the splitter of the CLEC's partner) in a collocation arrangement.

Q. PLEASE EXPLAIN FURTHER THE DIFFERENCE BETWEEN LINE SPLITTING AND LINE SHARING.

A. As I explained above, line sharing occurs when a data CLEC provides xDSL service to an end user over the same copper loop that the ILEC uses to provide the end user's POTS service. In contrast, as defined by the FCC, line splitting occurs when a single CLEC or two partner CLECs provision voice and xDSL service to an end user over an unbundled stand-alone copper loop, using a CLEC-provided splitter. The ILEC does not provision any service over the loop.

CLECs were unable to engage in line sharing until the creation of the HFPL UNE because they did not have access to the loop over which Ameritech provisioned the end user's POTS service. As I stated above, the HFPL UNE was created because, without it, CLECs would be unable to share a loop used by the ILEC to provide POTS service. In

contrast, CLECs have been able to line split ever since xDSL-capable unbundled loops have been available. Whenever a CLEC purchases an xDSL-capable unbundled loop, the CLEC has access to both the low frequencies of the loop, over which the end user's POTS service is provided, and the high frequencies of the loop, over which the end user's xDSL service is provided. The CLEC can line split simply by purchasing and installing its own splitter.

While the HFPL is an unbundled network element created by the FCC that provides a CLEC with access to the same copper loop facility used by Ameritech to provide POTS service, line splitting is simply a matter of a CLEC utilizing an unbundled copper loop in a manner that allows that CLEC, either alone or with a partnering CLEC, to provide both voice and data over the loop. Line splitting as defined by the FCC is an *activity* engaged in by CLECs. It is *not* a network facility, a UNE, or an ILEC service.

Q. CAN CLECS CURRENTLY LINE SPLIT OVER AN UNBUNDLED LOOP PURCHASED FROM AMERITECH?

A. Absolutely. The CLEC simply obtains UNEs from Ameritech that are capable of supporting their desired services and configured to allow the CLEC to combine its data equipment (including its own splitter) with the UNEs. If the CLEC wants to provide services jointly with a data provider over UNEs obtained from Ameritech, it may. It is up to that CLEC and its data provider to coordinate this function between the two parties. Ameritech's role is to provide the UNEs that either of the parties order pursuant to their respective interconnection agreements.

Q. WHAT LANGUAGE DO THE PARTIES PROPOSE FOR THE DEFINITION OF THE HFPL UNE?

A. Ameritech proposes the following definition of the HFPL UNE.

2.4 "High Frequency Portion of the Loop" ("HFPL") is defined as the frequency above the voice band on a copper loop facility that is being used to carry traditional POTS analog circuit-switched voice band transmissions. The FCC's Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98 (rel. December 9, 1999) (the "Line Sharing Order") references the voice band frequency of the spectrum as 300 to 3000 Hertz (and possibly up to 3400 Hertz) and provides that DSL technologies which operate at frequencies generally above 20,000 Hertz will not interfere with voice band transmission. **SBC-12STATE** shall only make the HFPL available to CLEC in those instances where **SBC-12STATE** also is providing retail POTS (voice band circuit switched) service on the same local loop facility to the same end user.

4.4 HFPL is **not** available in conjunction with a combination of network elements known as the platform or UNE-P (including loop and switch port combinations).

4.6 **SBC-12STATE** shall be under no obligation to provision xDSL capable loops in any instance where physical facilities do not exist. **SBC 12STATE shall be under no obligation to provide HFPL where SBC 12STATE is not the existing retail provider of the traditional, analog voice service (POTS).** This shall not apply where physical facilities exist, but conditioning is required. In that event, CLEC will be given the opportunity to evaluate the parameters of the xDSL or HFPL service to be provided, and determine whether and what type of conditioning should be performed. CLEC shall pay **SBC-12STATE** for conditioning performed at CLEC's request pursuant to Sections 7.1 and 7.2 below.

MTSI proposes the following definition:

2.4 "High Frequency Portion of the Loop" ("HFPL") is defined as the frequency above the voice band on a copper loop facility that is being used to carry traditional POTS analog circuit-switched voice band transmissions. The FCC's Third Report and Order in CC Docket No. 98-147 and Fourth Report and Order in CC Docket No. 96-98 (rel. December 9, 1999) (the "Line Sharing Order") references the voice band frequency of the spectrum as 300 to 3000 Hertz (and possibly up to 3400 Hertz) and provides that DSL technologies which operate at frequencies generally above 20,000 Hertz will not interfere with voice band transmission. **SBC-12STATE** shall only make the HFPL available to CLEC in those instances where **SBC-12STATE** also is providing retail POTS (voice band circuit switched) service on the same local loop facility to the same end user ***or where the CLEC is providing the retail voice band circuit switched service through the resale of SBC-13-STATE service or the same loop facility to the same end user.***

4.4 HFPL is available in conjunction with a combination of network elements known as the platform or UNE-P (including loop and switch port combinations).

4.6 **SBC-12STATE** shall be under no obligation to provision xDSL capable loops in any instance where physical facilities do not exist. This shall not apply where physical facilities exist, but conditioning is required. In that event, CLEC will be given the opportunity to evaluate the parameters of the xDSL or HFPL service to be provided, and determine whether and what type of conditioning should be performed. CLEC shall pay **SBC-12STATE** for conditioning performed at CLEC's request pursuant to Sections 7.1 and 7.2 below.

Q. SHOULD AMERITECH'S DEFINITION OF THE HFPL UNE BE ADOPTED?

A. Yes. Ameritech's definition fully mirrors the FCC's definition of the HFPL UNE in the *Line Sharing Order*. In contrast, MTSI's proposed definition, contrary to the pronouncements of the FCC in the *Line Sharing Order* discussed below, would require Ameritech to provide the HFPL UNE in cases where Ameritech was not providing the end user's voice service.

Q. EXPLAIN FURTHER WHY MTSI'S DEFINITION OF THE HFPL UNE CONFLICTS WITH THE *LINE SHARING ORDER.*

A. In the *Line Sharing Order,* the FCC has made it very clear that ILECs are not required to offer the HFPL UNE where the ILEC is not providing the end user's voice service. The FCC conclusively held that:

> incumbents are not required to provide unbundled access to carriers seeking just the data portion of an otherwise unoccupied loop, because line sharing contemplates that the incumbent LEC continues to provide POTS services on the lower frequencies while another carrier provides data services on the higher frequencies. (Emphasis added.) *Line Sharing Order,* at ¶ 72; Rule 51.319(h)(3).

Also, in the *Line Sharing Order*, the FCC stated that:

> the record does not support extending line sharing requirements to loops that do not meet the prerequisite condition that an incumbent LEC be providing voiceband service on that loop for a competitive LEC to obtain access to the high frequency portion,

and hence, the FCC concluded that:

> incumbent LECs must make available to competitive carriers ***only*** the high frequency portion of the loop network element on loops on which the incumbent LEC is also providing analog voice service. (Emphasis added.) *Id.* at ¶ 72.

The FCC also noted that if

> the customer terminates its incumbent LEC provided voice service, for whatever reason, the competitive data LEC is ***required to purchase the full stand-alone loop network element*** if it wishes to continue providing xDSL service. (Emphasis added.) *Id.*

It is important to note that the FCC did "not find impairment [of the CLEC's ability to provide xDSL service] where the incumbent LEC is not providing voice service on the customer's loop..." *Id.* at n. 160.

In paragraph 17 of the *Line Sharing Reconsideration Order*, the FCC reiterated its conclusion that an ILEC is not required to offer the HFPL UNE where the ILEC is not providing the end-user's voice service:

> Line Splitting: As described above, in the *Line Sharing Order*, the Commission limited line sharing "to those instances in which the incumbent LEC is providing, and continues to provide, voice service on the particular loop to which the [competing] carrier seeks access." In other words, a competing carrier seeking to provide xDSL service using the unbundled high frequency portion of the loop can do so only if the same loop is used by the incumbent LEC to provide voice service to an end user.

The FCC further stated at paragraph 26:

> [W]e deny AT&T's request for clarification that under the *Line Sharing Order*, incumbent LECs are not permitted to deny their xDSL services to customers who obtain voice service from a competing carrier where the competing carrier agrees to the use of its loop for that purpose. Although the *Line Sharing Order* obligates incumbent LECs to make the high frequency portion of the loop separately available to competing carriers on loops where incumbent LECs provide voice service, it does not require that they provide xDSL service when they are not longer the voice provider.

MTSI's proposed definition directly *contradicts* the FCC's conclusion in these orders that an ILEC is required to provide a CLEC with the HFPL UNE *only* when the ILEC is the POTS service provider on that loop. MTSI's proposed language therefore should be rejected.

Q. DOES MTSI'S DEFINITION OF THE HFPL UNE IMPROPERLY INCLUDE LINE SPLITTING?

A. Yes. As I explained above, the FCC's definition of the HFPL UNE only includes the scenario when Ameritech is the POTS service provider. MTSI's proposed definition, however, encompasses line splitting, because it refers to the configurations where either one CLEC uses both the high frequency portion of the loop for data service and the low frequency portion of the loop for voice service, or two CLECs share the loop (one for voice service and the other for data service). Significantly, and as I explain in detail below, to the extent MTSI's proposed language deals with "line splitting," MTSI's language is *not* consistent with the FCC's definition of line splitting and would impose on Ameritech obligations well beyond those imposed by the FCC.

Q. EXPLAIN WHY THE "LINE SPLITTING" LANGUAGE PROPOSED BY MTSI IN THIS PROCEEDING IS NOT CONSISTENT WITH LINE SPLITTING AS DEFINED BY THE FCC.

A. As I stated above, FCC-defined line splitting involves only the situation where a CLEC (or partnering CLECs) purchases *an entire* unbundled loop and provides its own splitter. Although MTSI's proposed language does not specifically state that Ameritech must provide the splitter functionality, the practical effect of MTSI's proposed language would not only require Ameritech to provide the splitter, but it also would require Ameritech to separate currently combined UNEs (UNE DSL –capable loop and the UNE switch port)

and re-combine those UNEs with an Ameritech-owned splitter—which is not a UNE. Ameritech cannot be required to provide MTSI with new combinations of network elements. *AT&T Corp. v. Iowa Utils. Bd.,* 120 F.3d 753, 813 (8th Cir., 1997); *Iowa Utils. Bd. v. F.C.C.,* 219 F.3d 744, 759(8th Cir., 2000). Nor can Ameritech be required to provide the splitter, as I explain later in my testimony.

Q. IF THE COMMISSION WERE TO INCLUDE IN THE INTERCONNECTION AGREEMENT A DEFINITION OF LINE SPLITTING, WHAT SHOULD THAT DEFINITION BE?

A. As explained above, line splitting occurs when a single carrier or two partner carriers provide voice and data services over the same unbundled xDSL-capable loop and self provision their own splitter. As the FCC has made clear, line splitting is not a service provided by Ameritech, but an activity performed by the CLEC. As a result, Ameritech has no direct involvement in the actual line splitting process. Therefore, it is inappropriate to include a definition of line splitting in the interconnection agreement. However, if this Commission determines that a definition of line splitting would be helpful for clarification purposes, the definition should be consistent with recent FCC orders.[3] Accordingly, Ameritech proposes that line splitting be defined as follows:

> Line Splitting: Line splitting occurs when a single carrier or two partner carriers provide voice and data services over the same unbundled xDSL-capable loop. Ameritech must permit MTSI to engage in line splitting where MTSI purchases the entire loop and provides its own splitter. For instance, if a MTSI is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to a collocated

[3] *In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability and Implementation of Local Competition Provisions of the Telecommunications Act of 1996,* CC Docket Nos. 98-147 & 96-98, *Third Report and Order on Reconsideration in CC Docket No. 98-147, Fourth Report and Order on Reconsideration in CC Docket No. 96-98, Third Further Notice of Proposed Rulemaking in CC Docket No. 98-147, Sixth Further Notice of Proposed Rulemaking in CC Docket No. 96-98,* 2001 WL 46674, FCC No. 01-26 (rel. Jan. 19, 2001), para. 19.

splitter and DSLAM equipment and unbundled switching combined with shared transport, to replace its existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services. In this situation, Ameritech will provide the loop that was part of the existing UNE-platform as the unbundled xDSL-capable loop, unless the loop that was used for the UNE-platform is not capable of supporting xDSL service. MTSI may also use an unbundled xDSL-capable loop and unbundled switching elements to provide voice and data service to an end user not already served via the UNE-platform.

This definition is completely consistent with the FCC's January 19, 2001 *Line Sharing Reconsideration Order*,[4] and Ameritech permits CLECs to engage in line splitting in this manner—where the CLEC (or partnering CLECs) purchases the entire unbundled loop and provides its own splitter.

Q. SHOULD THE HFPL UNE BE AVAILABLE AS PART OF THE UNE-P?

A. No. The HFPL UNE can only be provided when Ameritech is providing the end user's POTS service, and that is not the case where the CLEC purchases the UNE-P.

To be more specific, where Ameritech is providing voice service on the loop, it has control of the loop, and therefore is able to provide access to the high frequency portion of that loop. In contrast, when a CLEC purchases the UNE-P (or an unbundled network element, such as an unbundled loop), the FCC has stated that the CLEC has the exclusive right to use that entire element. In other words, in the line splitting scenario (either with one CLEC or two CLECs), neither the voice frequency nor the high frequency portion of the loop belong to Ameritech. Because Ameritech does not have control of the loop in the line splitting scenario, it cannot provide the HFPL of that loop.

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[4] *Id.*

For example, Ameritech would be unable to provide the HFPL to MTSI on an unbundled copper loop purchased by MTSI because MTSI already has the loop's high frequency portion as part of the entire unbundled loop. Similarly, where an unbundled loop is purchased by a CLEC other than MTSI to provide voice service, Ameritech cannot provide MTSI access to the high frequency portion of that loop. Ameritech simply cannot "confiscate" the voice provider's loop and force that provider to line split with MTSI. Doing so would eliminate the voice CLEC usage rights to the entire loop.

Along this same line, in a situation where Ameritech provides voice service and a CLEC other than MTSI provides data service, and voice service is then changed to MTSI, Ameritech cannot force the data CLEC to line split with MTSI. In fact, in the *Line Sharing Order*, the FCC required that, if the ILEC's retail POTS service is disconnected, for whatever reason, the data CLEC must purchase the entire stand alone loop if the data CLEC chooses to continue to provide xDSL to the customer. *Line Sharing Order,* ¶¶ 72-73. Alternatively, the formerly line sharing data carrier also could enter into a voluntary line splitting arrangement with the new voice carrier. *Line Sharing Reconsideration Order,* ¶ 22. In any event, Ameritech cannot provide the HFPL of the voice CLEC's loop to MTSI.

For these reasons, Ameritech's proposed language in section 5.5 (set forth above) should be adopted.

Q. HAS THE FCC PROVIDED DIRECTION REGARDING THE PROVISIONING OF LINE SHARING OVER THE UNE-P?

A. Yes. The FCC addressed this issue in the *Texas 271 Order,* the *Line Sharing Order* and the *Line Sharing Reconsideration Order*. The FCC has made it very clear that ILECs are

not required to offer line sharing in conjunction with UNE-P. In the *Line Sharing Order,* the FCC conclusively held that "incumbent carriers are *not required* to provide line sharing to requesting carriers that are purchasing a combination of network elements known as the platform" because "[i]n that circumstance, the incumbent no longer is the voice provider to the customer." (Emphasis added.) *Line Sharing Order* at ¶ 72.

In the Texas 271 proceeding, AT&T argued that there should be extensive new requirements for line splitting, essentially the same requirements that MTSI is seeking to have imposed in this arbitration. Not surprisingly, considering the fact that CLECs already had the ability to line split under Southwestern Bell Telephone Company's ("SWBT") current offering, the FCC rejected AT&T's arguments, finding that SWBT's offering met all FCC requirements. Specifically, the FCC stated:

> The Commission's rules require incumbent LECs to provide requesting carriers with access to unbundled loops in a manner that allows the requesting carrier "to provide any telecommunications service that can be offered by means of that network element." As a result, incumbent LECs have an obligation to *permit* competing carriers to engage in line splitting over the UNE-P *where the competing carrier purchases the entire loop and provides its own splitter.* The record reflects that SWBT allows competing carriers to provide both voice and data services over the UNE-P. For instance, if a competing carrier is providing voice service over the UNE-P, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport to replace its UNE-P with a configuration that allows provisioning of both data and voice service. SWBT provides the loop that was part of the existing UNE-P as the unbundled xDSL-capable loop, unless the loop that was used for the UNE-P is not capable of providing xDSL service. [5]

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[5] *In the Matter of Application by SBC Communications, Southwestern Bell Telephone Company, and Southwestern Bell Communications Services d/b/a Southwestern Bell Long Distance Pursuant to Section 271 of the Telecommunications Act to Provide In-Region, InterLATA Services in Texas*, CC Docket No. 00-65, *Memorandum Opinion and Order*, FCC No. 00-238 (rel. June 30, 2000) ("*Texas 271 Order*"), at para. 325 (footnotes omitted).

(Emphasis added). The FCC reiterated this conclusion in paragraph 19 of the *Line Sharing Reconsideration Order,* where it stated:

> Thus, as AT&T and WorldCom contend, incumbent LECs have an obligation to permit competing carriers to engage in line splitting using the UNE-platform where the competing carrier purchases the entire loop and provides its own splitter. For instance, if a competing carrier is providing voice service using the UNE-platform, it can order an unbundled xDSL-capable loop terminated to a collocated splitter and DSLAM equipment and unbundled switching combined with shared transport, to replace the existing UNE-platform arrangement with a configuration that allows provisioning of both data and voice services. As we described in the *Texas 271 Order,* in this situation, the incumbent must provide the loop that was part of the existing UNE-platform as the unbundled xDSL-capable loop, unless the loop that was used for the UNE-platform is not capable of providing xDSL service.

Ameritech allows CLECs to line split in this same manner, which complies with the FCC's current rules.

Q. DOES MTSI NEED AMERITECH TO COMBINE ELEMENTS AND PROVIDE SPLITTERS IN ORDER FOR MTSI TO ACCESS THE "HFPL" OF AN UNBUNDLED LOOP PURCHASED BY MTSI, AS WOULD BE REQUIRED UNDER MTSI'S PROPOSED LANGUAGE?

A. No. As I explained above, MTSI can line split for itself using Ameritech's current UNE offerings, namely by purchasing UNEs (including unbundled loops and unbundled switching) and providing its own splitter.

Q. SINCE MTSI AND OTHER CLECS ARE ABLE TO LINE SPLIT FOR THEMSELVES, IS IT REASONABLE TO REQUIRE AMERITECH TO PERFORM THIS FUNCTION ON THE CLECS' BEHALF?

A. No. MTSI's proposal would burden Ameritech with significant and costly additional obligations that simply are not necessary for MTSI to use UNEs to provide service to their customers. For example, even though CLECs can already share the use of a single UNE loop with a data provider, MTSI's proposal would impose on Ameritech the burden

of coordinating the shared use of a loop even though MTSI can perform (and is in a better position to perform) this function for itself and even though Ameritech has no relationship with the end-user. MTSI's proposal would require Ameritech to coordinate the activities of MTSI and the data provider even though Ameritech is providing no service over the line and has no relationship with the end-user. This places Ameritech in the impossible role of coordinating maintenance, ownership, billing, change-of-service or service provider, and other issues with two other carriers. In addition, MTSI's proposed language in Sections 4.4 and 4.6 would require Ameritech to separate currently combined UNEs and re-combine these UNEs with equipment that is not a UNE, *i.e.*, an Ameritech-owned splitter, as discussed below.

Q. ARE THERE IMPLEMENTATION ISSUES ASSOCIATED WITH MTSI'S PROPOSAL?

A. Yes. There are significant operational issues that would be associated with implementing MTSI's proposed language which would negatively impact numerous areas, including, but not limited to: changes to Ameritech's back-office systems; order flows; inventory; maintenance and repair; billing; and general customer service. Implementation of MTSI's proposal would be costly in terms of the monetary investment necessary to modify the systems and in the resources required to implement the changes. On a practical level, it is likely that the cost of implementation, when factored into the price of MTSI's proposal, would deter MTSI from ordering it after it was implemented. Ameritech would thus be left "holding the bag" of stranded investment, having been forced to incur additional costs for no good reason.

Q. MTSI'S PROPOSED LANGUAGE IN SECTION 2.4 REQUIRES AMERITECH TO PROVIDE THE "VOICE BAND" AS A UNE OR RESALE OFFERING. HAS THE FCC REQUIRED ILECS TO UNBUNDLE THE LOW FREQUENCY PORTION OF A LOOP?

A. No. In fact, the FCC specifically rejected this notion in the *Texas 271 Order* by stating: "In the Line Sharing Order, the Commission unbundled the high frequency portion of the loop when the incumbent LEC provides voice service, but did not unbundle the low frequency portion of the loop."[6] The FCC specifically declined to unbundle the low frequency portion of a copper loop. By asking Ameritech to provide the "low frequency portion of the loop" ("LFPL"), MTSI is seeking to have this Commission improperly create a new UNE (the LFPL) that the FCC has refused to create.

In addition, it clearly would be inappropriate to have Ameritech assume a role between CLECs in their provision of competitive voice and data services. As I stated above, when a CLEC purchases an unbundled network element, the FCC has stated that the CLEC has the exclusive right to use that entire element. Under MTSI's proposal Ameritech could be forced into the role of intermediary between the two CLECs.

MTSI should accept responsibility for partnering directly with voice and/or data CLECs, working out cooperative arrangements with them on potentially divisive issues (such as reaching agreement regarding which carrier controls the loop), and coordinating all service changes, maintenance, and repair. In the end, putting Ameritech in the middle of the relationships between voice CLECs and data CLECs engaging in line splitting can only create more confusion and complexity to the disservice of end user customers.

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[6] *Texas 271 Order* at para. 330.

Q. YOU STATED EARLIER THAT AMERITECH IS NOT REQUIRED TO PROVIDE THE SPLITTER TO CLECS. WHAT IS A SPLITTER?

A. A "splitter" is a device that divides the data and voice signals that are transmitted concurrently over a single copper loop into separate voice and data components. Once separated, the data frequency is routed to a DSLAM, which may or may not be integrated with the splitter. The voice frequency, on the other hand, must be routed back to the switch.

Q. ARE SPLITTERS PART OF AMERITECH'S EMBEDDED NETWORK?

A. No. Splitters are advanced services equipment and are only useful for the provisioning of a voice compatible DSL technology over the same copper loop facility as standard POTS. Because Ameritech does not provide advanced services, Ameritech does not have a need to own splitters in order to provide the services it offers.

Q. DOES AMERITECH HAVE AN ADVANTAGE OVER MTSI IN OBTAINING SPLITTERS?

A. No. CLECs can purchase splitters for themselves from the same vendors as Ameritech, just as readily as Ameritech. In fact, the FCC has found that ILECs and CLECs are both in the early stages of deploying advanced services equipment and that CLECs have the same opportunities as ILECs to purchase this type of equipment. The FCC found that items of advanced services equipment "are available on the open market at comparable prices to incumbents and requesting carriers alike."[7] Accordingly, the FCC has concluded that requesting carriers are not impaired without unbundled access to advanced

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[7] *Implementation of the Local Competition Provisions of the Telecommunications Act of 1996*, CC Docket No. 96-98, *Third Report and Order and Fourth Further Notice of Proposed Rulemaking*, FCC No. 99-238 (rel. Nov. 5, 1999) ("*UNE Remand Order*"), at para. 308 (footnote omitted).

services equipment. This analysis, although specifically referring to DSLAMs and packet switching, applies equally to splitters. In fact, in its description of a DSLAM in the *UNE Remand Order* at n. 324, the FCC noted that "carriers providing advanced services use DSLAMs to split voice and data traffic and route each to the appropriate destination." This reference is to an integrated splitter (*i.e.*, a splitter that has been integrated with the DSLAM equipment). A stand-alone splitter performs the same function as an integrated splitter and the FCC has neither required ILECs to provide splitters nor classified splitters as unbundled network elements. Therefore, Ameritech does not have an advantage and, as this Commission has already found in Docket No. 00-0393, the splitter is not a UNE.

Q. ARE ANY CLECS PROVIDING THEIR OWN SPLITTERS TO OBTAIN THE HFPL UNE?

A. Yes. Some of the data CLECs utilizing the HFPL UNE today provide their own splitters. In fact, the vast majority of all line sharing throughout SBC's 13-state territory occurs over CLEC-owned splitters.

Q. IS THE PRICE OF A SPLITTER A BARRIER TO ENTRY?

A. No. CLECs choosing to provide xDSL technologies must purchase and collocate their DSLAM equipment. The cost of a splitter is only a small fraction of the cost of the DSLAM that data CLECs are currently purchasing and installing today.

Q. ARE THERE OTHER REASONS WHY IT IS INAPPROPRIATE TO REQUIRE AMERITECH TO PROVIDE SPLITTERS TO MTSI?

A. Yes. DSL technologies are developing rapidly. If Ameritech were required to purchase splitters, there is no guarantee that the splitters Ameritech purchases will not become

obsolete in the near future. There also would be no guarantee that CLECs will all agree to use the same type of splitter as new technologies are introduced. Because Ameritech does not provide advanced services, it has no assurance regarding the full utilization or continued use of the splitters it does purchase. These are legitimate concerns that Ameritech must analyze when determining whether or not it will provide splitters to CLECs.

Q. IF CLECS ARE ABLE TO PROVIDE THEIR OWN SPLITTERS, WHY DID AMERITECH AGREE TO PROVIDE SPLITTERS WITH LINE SHARING?

A. During the line sharing collaborative process, CLECs requested that Ameritech and other SBC ILECs voluntarily provide splitters to CLECs utilizing the HFPL UNE. After evaluating the request and Ameritech's system capabilities, Ameritech developed an offering under which Ameritech agreed to provide splitters to CLECs purchasing the HFPL UNE on a line-at-a-time basis. CLECs also retained the option of providing their own splitters. Ameritech made this voluntary offering, which goes beyond the FCC's requirements (as I explain below), available to CLECs because some CLECs stated that they would not have been able to install their own splitters in time to begin utilizing the HFPL UNE at the initial roll-out of the HFPL offering. In the spirit of collaboration and promoting competition, Ameritech agreed to provide splitters in an effort to aid CLECs in their early efforts to use the HFPL UNE. This voluntary offering was made based on very specific terms that MTSI is now trying to force Ameritech to change.

Q. IS IT REASONABLE FOR AMERITECH TO VOLUNTARILY OFFER SPLITTERS TO CLECS UTILIZING THE HFPL UNE AND NOT TO CLECS WISHING TO LINE SPLIT?

A. Yes. The circumstances involved in the two situations are fundamentally different. The FCC held that Ameritech could not be required to provide splitters at all. However, based upon CLEC requests, Ameritech has agreed to voluntarily offer splitters in situations where Ameritech remains the voice provider.

Ameritech's back-office systems do not support a line splitting scenario where Ameritech provides the splitter. It is completely unreasonable to expect Ameritech to incur the significant costs associated with modifying its back-office systems to support this scenario when Ameritech is not required to provide splitters in the first place.

Aside from the additional cost, there are operational considerations as well. When Ameritech is the voice provider on a loop and a CLEC utilizes the HFPL UNE of that loop, Ameritech has a direct relationship with the end user customer for voice service and with the data provider. In contrast, in the scenario proposed by MTSI, Ameritech would have no direct relationship with the end user or the data provider. Moreover, if Ameritech is required to provide splitters to CLECs engaging in line splitting, Ameritech could be responsible for coordinating service installation, maintenance and repair with two different CLECs (as opposed to one CLEC utilizing the HFPL UNE). This could lead to serious coordination problems in provisioning and maintaining service.

Q. DO ILEC-PROVIDED SPLITTERS RESULT IN A HIGHER LEVEL OF SERVICE THAN A CLEC-PROVIDED SPLITTER?

A. No. In fact, the opposite may be true. Using a CLEC-owned splitter minimizes the length of the central office cabling, which can result in improved DSL performance.

Q. SHOULD MTSI BE ABLE TO DICTATE HOW AMERITECH PROVIDES SPLITTERS?

A. No. As explained above, Ameritech's splitter offering is strictly voluntary and was the result of collaboration between SBC and the CLECs. Ameritech's agreement to provide splitters was based on the specific terms described in the line sharing collaboratives. Ameritech did not agree to provide splitters subject to ever-changing terms and conditions, nor should it.

CLECs do not need Ameritech to provide splitters in order to access the HFPL UNE. Ameritech made a new option available to CLECs based upon the CLECs' request. Ameritech's decision to provide splitters for CLECs using the HFPL UNE was based upon economic and operational factors. It is completely inappropriate for MTSI to seek to dictate modifications to the manner in which Ameritech provides this voluntary offering. If Ameritech's offering of splitters is not attractive to MTSI, MTSI has the right and ability to provide its own splitter.

Q. DOES THE FCC REQUIRE THAT ILECS PROVIDE SPLITTERS?

A. No. The FCC's *Line Sharing Order*, ¶¶ 76, 146, and the *Texas 271 Order,* ¶¶ 327-328, provide that an ILEC, in its sole discretion, may choose to provide its own splitters. Although Ameritech has agreed to voluntarily provide splitters on a line-at-a-time basis to CLECs in conjunction with line sharing, *i.e., when Ameritech continues to be the voice service provider*, Ameritech is under no obligation to do so.

Q. HAS THE FCC REQUIRED SPLITTERS TO BE UNBUNDLED?

A. No. Neither the *Line Sharing Order* nor the *Line Sharing Reconsideration Order* defines the splitter as a UNE or requires ILECs to own and install the splitter. Furthermore, there

are several other reasons why this Commission could not properly require Ameritech to own and install the splitter. First, splitters are not elements of Ameritech's "existing" network; they are installed only to enable a CLEC to line share with Ameritech. It is not surprising, therefore, that the *Line Sharing Order* does not obligate Ameritech to own the splitter. Rather, the FCC gave ILECs in the *Line Sharing Order* (¶ 76) the option to maintain control over the splitter, but does not require them to do so:

> We conclude that, subject to certain obligations, incumbent LECs may maintain control over the loop and splitter equipment and functions. In fact, both the incumbents and the competitive LECs agree that subject to certain obligations, the incumbent LEC may maintain control over the loop and splitter functionality if desired. (Emphasis added.)

Additionally, the FCC stated in Paragraph 146 of the *Line Sharing Order* that:

> We conclude that incumbent LECs must either provide splitters or allow competitive LECs to purchase comparable splitters as part of this new unbundled network element. (Emphasis added.)

Thus, an incumbent LEC has the option either to provide splitters or to allow competitive LECs to purchase splitters themselves (or both). If an ILEC chooses to provide splitters, and to not allow CLECs to provide their own splitters, the *Line Sharing Order* instructs state commissions that, if the ILEC does not provide splitters in a satisfactory manner, the state commission may authorize the CLEC to purchase its own splitter.[8] Ameritech is under no obligation to make available Ameritech-owned splitters under the *Line Sharing Order*. The FCC reconfirmed this in paragraphs 327 and 328 of the *Texas 271 Order,* as I describe below.

Second, even if the splitter were an existing component of Ameritech's network, access to the splitter does not meet the 1996 Act's "necessary" and "impair" standard, for the

[8] *Line Sharing Order* at para. 79.

reasons I previously described, the most notable being that CLECs can purchase splitters for themselves from the same vendors as Ameritech, just as readily as Ameritech.

Q. HAS THE FCC COMMENTED ON CLEC ARGUMENTS THAT ILECS ARE REQUIRED TO PROVIDE SPLITTERS TO UNE-P CLECS?

A. Yes. Similar to MTSI's position on this issue here, AT&T made claims to the FCC regarding SWBT's supposed obligations to provide splitters in response to SWBT's application to provide in-region, interLATA services in Texas. The FCC stated in the *Texas 271 Order*: "We reject AT&T's argument that SWBT has a present obligation to furnish the splitter when AT&T engages in line splitting over the UNE-P. The Commission has never exercised its legislative rulemaking authority under section 251(d)(2) to require incumbent LECs to provide access to the splitter, and incumbent LECs therefore have no current obligation to make the splitter available." (*Texas 271 Order* ¶ 327.) The FCC also stated that "[t]he UNE Remand Order cannot fairly be read to impose on incumbent LECs an obligation to provide access to their splitters." (*Texas 271 Order* ¶ 328.)

Finally, the FCC rejected AT&T's arguments that if the splitter is provided in conjunction with line sharing, it must be provided for line splitting:

> Finally, AT&T suggests in passing that SWBT 'voluntarily' provides the line splitter functionality to competing carriers engaging in line sharing with SWBT voice services and that it has for that reason incurred an obligation to provide all UNE-P carriers with the same option. Even if AT&T had fully developed this issue, this argument would lack merit and would in any event be unripe for our review here. What AT&T requests is not line sharing, but access to the entire loop and the splitter in order to provide both voice and advanced services. Line sharing and line splitting present two different scenarios under our rules. With respect to line sharing, we state in the Line Sharing Order that incumbent LECs have discretion to maintain control of the splitter. With respect to line splitting,

as described above, we have not imposed any obligation on incumbent LECs to provide access to their splitters.[9]

As the above references clearly show, ILECs have no obligation whatsoever to provide the splitter to CLECs, whether the CLEC is engaged in line sharing or line splitting.

Q. IS THE FCC CURRENTLY EXAMINING THE ISSUE OF SPLITTER OWNERSHIP?

A. Yes. The FCC is currently examining the issue of splitter ownership and other related issues. The issues currently being evaluated by the FCC are extremely complex and require consideration of many factors including, but not limited to: impacts on the CLECs; impacts on the ILECs; impacts on network investment; impacts on competition as a whole; and impacts to software and hardware vendors. I believe that these extremely broad, wide-ranging issues are better addressed in a national forum. Contradictory rulings between the FCC and states would only further complicate matters and have the potential to slow technological development.

ISSUE 25: SHOULD LOOP QUALIFICATION INFORMATION BE MADE AVAILABLE AS PART OF AMERITECH'S OSS AT NO CHARGE, AND DOES AMERITECH PROVIDE DIFFERENT LOOP QUALIFICATION INFORMATION DEPENDING ON THE METHOD BY WHICH THE INFORMATION IS ACCESSED?

Q. WHAT IS LOOP QUALIFICATION?

A. "Loop Qualification" and "Loop make-up information" are synonymous terms that refer to any information regarding a given loop's physical characteristics. This information includes a variety of elements such as loop length, wire gauge, loop medium (copper or fiber), and information regarding any bridged tap, load coil, or repeaters present on the

[9] *Texas 271 Order*, para. 329.

loop. Historically, Ameritech's network was primarily designed to support analog POTS, which works well over a wide variety of loop configurations. However, DSL technologies have very specific facility requirements that are much more limited than analog POTS service. Loop make-up information may be used by CLECs to determine whether Ameritech has facilities which can be used by the CLEC to provide DSL service and to determine whether conditioning will likely be required.

Q. WHAT OPTIONS DO CLECS HAVE TO OBTAIN LOOP MAKE-UP INFORMATION?

A. As Ameritech's proposed interconnection agreement language in section 6.3 of Appendix DSL indicates, CLECs can obtain loop qualification information either electronically or manually.

For example, CLECs have the option to utilize Ameritech's deployed electronic interfaces, to obtain loop make-up information that Ameritech has stored electronically. However, loop make-up information is sometimes not available electronically. In such situations, a CLEC can request a manual look-up and Ameritech, after manually going through its records, will provide the loop make-up information to the CLEC. The work steps involved in performing a manual look-up are described in the testimony of Mark Welch.

Q. IS AMERITECH ABLE OR REQUIRED TO PROVIDE LOOP MAKE-UP INFORMATION ON ALL LOOPS IN AN ELECTRONIC FORMAT?

A. No. This issue is addressed in more detail in the testimony of Mark Welch. However, I will say that Ameritech is not required by the FCC to provide loop qualification information in a mechanized format if is it not available. Indeed, in its *UNE Remand*

Order, the FCC specifically rejected the contention that ILECs should be required to conduct a manual inventory to update their databases to provide loop make-up information.[10] The FCC also rejected arguments that SWBT should be required to do so in the Kansas/Oklahoma 271 proceeding. The FCC found that SWBT provides CLECs with precisely the same loop make-up information it provides to itself.[11]

Although Ameritech is not required to undertake the massive work effort (including updating the systems and having Ameritech personnel manually verify the physical characteristics of all loops) that would be required to immediately provide loop qualification information for all loops in an electronic format, Ameritech has entered all information into electronic databases and is committed to continually update new loop make-up information on a going forward basis.

Q. SHOULD AMERITECH HAVE THE RIGHT TO CHARGE MTSI $0.10 PER MECHANIZED LOOP QUALIFICATION?

A. Yes. Ameritech has incurred and is still incurring costs to operate the electronic interfaces that CLECs use to access loop qualification information electronically. As with any service that Ameritech offers, Ameritech should have the right to charge a fee for services that are rendered.

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[10] *See* Third Report and Order and Fourth Further Notice of Proposed Rulemaking, CC Docket No. 96-98, released 11/5/99, para.429.

[11] Kansas/Oklahoma 271 Order ¶ 126.

Q. SHOULD AMERITECH HAVE THE RIGHT TO CHARGE MTSI FOR MANUAL LOOP QUALIFICATION?

A. Yes. As stated above, loop qualification information is not always available electronically and CLECs, including MTSI, may request that Ameritech perform a manual look-up. If any CLEC, including Ameritech's affiliate, requests a manual loop qualification, Ameritech should have the right to recover the costs of performing the necessary work.

Q. DOES AMERITECH PROVIDE ALL CLECS, INCLUDING ITS ADVANCED SERVICES AFFILIATE, ALL AVAILABLE LOOP MAKE-UP INFORMATION?

A. Yes. Ameritech provides every CLEC, including AADS, with all loop qualification information available in its systems and records. Ameritech's separate advanced services affiliate must submit requests for loop make-up information through the same interfaces available to all other CLECs. Therefore, affiliated and unaffiliated providers of advanced services have nondiscriminatory access to the same loop make-up information using precisely the same electronic interfaces.

Q. IN ITS ARBITRATION PETITION, MTSI IMPLIES THAT AMERITECH MAY NOT BE PROVIDING LOOP QUALIFICATION INFORMATION TO MTSI IN THE SAME INTERVAL AS ITS AFFILIATE. IS THIS TRUE?

A. No. The FCC, in the *UNE Remand Order* (¶ 431), discusses the appropriate interval for providing loop make-up information. The FCC states:

> 431. Consistent with the framework we adopted in the *Local Competition First Report and Order*, we conclude that access to loop qualification information must be provided to competitors *within the same time intervals it is provided to the incumbent LEC's retail operations*. To the extent such information is not normally provided to the incumbent LEC's retail personnel, but can be obtained by contacting incumbent back office personnel, it must be provided to requesting carriers within the same time frame that any incumbent personnel are able to obtain such information. It would be unreasonable, for instance, if the requesting carrier had to

> wait several days to receive such information from the incumbent in the incumbent's personnel have the ability to obtain such information in several hours. In order to provide local exchange and exchange access service, a competitor needs such information quickly to be able to determine whether a particular loop will support xDSL service.

In this paragraph, the FCC states that access to loop qualification information must be provided to competitors "*within the same time intervals it is provided to the incumbent LEC's retail operations.*" The FCC then goes on to explain that, if the loop qualification information is *not* available to retail, it must be provided "within the same time frame that any incumbent personnel are able to obtain such information." The significant point is that the former standard ("within the same interval it is provided to . . . retail operations") applies because Ameritech provides *all* loop qualification information to its retail representatives and AADS. More importantly, this standard is met because Ameritech provides loop qualification information in the same interval to its retail operations, its affiliate and all CLECs in a non-discriminatory manner.

MTSI's reference in its Arbitration Petition to footnote 173 of FCC 01-269[12] does nothing to support MTSI's allegation. Footnote 173 of FCC 01-269 states: "The Commission's rules require Verizon to provide competitors all available information in its databases or internal records, in the same time intervals that it is available to any incumbent LEC personnel, regardless of whether Verizon's retail arm or advanced services affiliate has access to such information." This quote, however, needs to be put in the proper context to be understood. This footnote references paragraphs 427 through 431 of the *UNE*

[12] Memorandum Opinion and Order in CC Docket No. 01-138, In the Matter of Application of Verizon Pennsylvania Inc., Verizon Long Distance, Verizon Enterprise Solutions, Verizon Global Networks Inc., and Verizon Select Services Inc. for Authorization To Provide In-Region, InterLATA Services in Pennsylvania, FCC 01-269 (Sept. 19, 2001).

Remand Order and, as demonstrated above, Ameritech satisfies the non-discriminatory requirements of that order. Therefore, MTSI's issue is moot.

Q. MTSI ALLEGES THAT AMERITECH IS "ATTEMPTING TO PROVIDE MORE OR LESS INFORMATION" DEPENDING ON THE METHOD THAT THE LOOP MAKE-UP INFORMATION IS OBTAINED. IS THIS AN ACCURATE STATEMENT?

A. No. Although MTSI did not submit any direct testimony on this issue or explanation of this allegation, it is obvious from MTSI's comments in its Arbitration Petition that it does not fully understand how the Loop Qualification process works in Ameritech. A CLEC has two options when requesting Loop Qualification: mechanized and detailed manual. When a CLEC requests a mechanized loop qualification, Ameritech provides all the loop make-up information that it has available electronically.

> 6.3.1 Mechanized loop qualification includes data that is available electronically and provided via an electronic system. Electronic access to loop makeup data through the OSS enhancements described in 6.1 above will return information in all fields described in SBC's Plan of Record when such information is contained in **SBC-12STATE**'s electronic databases. CLEC will be billed a mechanized loop qualification charge for each xDSL capable loop order submitted at the rates set forth in Appendix Pricing.

If mechanized loop make-up information is not available, then the CLEC has another option: it can request detailed manual loop qualification, also referred to as manual loop qualification in the Ameritech region.

Detailed manual loop qualification provides all the information that is provided via the mechanized loop qualification process, when that information is contained in Ameritech's databases).

> 6.3.3 Detailed manual loop qualification includes all fields as described in SBC's Plan of Record, including the fields described in fields 6.3.2 above. CLEC will be

billed a detailed manual loop qualification charge for each detailed manual loop qualification requested at the rates set forth in Appendix Pricing.

I note that the options available in Ameritech (where all records are in a mechanized format) are different from the options available in regions where all records are *not* mechanized—in other words, where some of the loop qualification information is in paper records. Based in large part on costs, it was determined that where records are kept in a non-mechanized environment (which, again, is not the case in the Ameritech region), there needed to be two manual options available to the CLECs so that they would have the option of obtaining more or less loop qualification information depending on their needs. The reason for having two manual options is because, when records are in paper format, the manual loop qualification procedures are even more labor intensive and time consuming than the steps outlined in Mr. Welch's testimony (which are the steps necessary to perform a manual loop qualification where all records are mechanized) and, if more fields are manually retrieved, there will be increased costs and increased delays. Since Ameritech maintains all loop make-up information in electronic systems, there is no need to offer manual loop qualification as a subset of the detailed loop qualification data elements, because the detailed loop qualification process is not slowed down by the need to search paper records.

The significant point is that, regardless of whether a mechanized or manual loop qualification is performed, Ameritech Illinois provide MTSI with all the loop qualification information in its systems.

Q. BESIDES THE INITIATIVES DESCRIBED ABOVE, HAS AMERITECH TAKEN FURTHER STEPS TO ADDRESS CLEC CONCERNS ABOUT LOOP MAKE-UP INFORMATION?

A. Yes. Ameritech developed a Yellow Zone Proposal (YZP) Trial to address some of the CLECs' concerns regarding available loop make-up information. The participants of the trial are evaluating various processes to determine whether they are helpful to the CLECs and practical for Ameritech to implement on a permanent basis. The trial includes all Ameritech states, and any interested CLEC is allowed to participate in the trial.

Q. WHAT IS THE PURPOSE OF THE YZP TRIAL?

A. The purpose of the trial is three-fold. First, the trial seeks to eliminate the need for performing a detailed manual loop qualification on loops between zero and 17,500 feet. Second, the trial seeks to shorten the overall interval for installation. Third, the trial seeks to mitigate some of the effects of imperfect loop make-up information.

Under the trial, CLECs do not need to perform a detailed manual loop qualification on xDSL-capable loops or HFPL UNE orders for loops that are between zero and 17,500 feet. Instead, the CLEC simply performs a mechanized loop qualification and then submits a Local Service Request ("LSR") for an xDSL-capable loop with a five business day due date or for a HFPL UNE with a three business day due date. The LSR must indicate that the order should be processed as a Yellow Zone Proposal Trial order. On the day after the due date, the CLEC performs a synchronization test to determine whether conditioning is needed. If the CLEC determines that conditioning is required, the CLEC submits a trouble report authorizing any desired conditioning. Ameritech then performs the conditioning within five additional business days.

This process provides a number of benefits. First, by eliminating the need for detailed manual loop qualification, the CLEC decreases the actual interval for delivering a service to the customer by several days, and eliminates the additional cost associated with detailed manual loop qualification. Second, by testing the actual provisioned loop prior to authorizing conditioning, the impact of any inaccuracy in the loop make-up information is minimized. Indeed, by having the ability to test the actual loop, the CLEC will be better able to make a determination about whether the loop needs conditioning. The xDSL-capable loop or HFPL UNE is actually provisioned in the same amount of time that it normally would take to return manual loop qualification information. And, the CLEC can make its commitments to its customers based upon actual loop performance as opposed to potentially inaccurate loop make-up information.

The Yellow Zone Proposal Trial is an example of how Ameritech is attempting to develop new processes and procedures to address CLECs' operational concerns in a practical manner. Ameritech is committed to continuing to work with CLECs to find innovative, practical solutions to operational issues.

ISSUE 28: IF MTSI PERFORMS TROUBLE ISOLATION AND DETERMINES THAT A PROBLEM IS CAUSED BY AMERITECH'S NETWORK, SHOULD MTSI BE ALLOWED TO CHARGE AMERITECH A TROUBLE ISOLATION CHARGE?

Q. WHAT IS YOUR UNDERSTANDING OF THIS ISSUE?

A. Although MTSI did not file any testimony on this issue or explain its position, it appears that MTSI is proposing to charge Ameritech for time and material charges, fines and credits (although MTSI's language is unclear with respect to its use of the word "credits", it appears that MTSI may be referring to credits to their end-user's bills) associated with

dispatching a technician in situations where the problem is found not to reside with MTSI's equipment.

Q. WHAT CONCERNS DOES AMERITECH HAVE REGARDING MTSI'S PROPOSED LANGUAGE FOR THIS ISSUE?

A. When MTSI provides local exchange service to end users, it is responsible for the maintenance and quality provided to its end user. Regardless of whether MTSI is providing service via UNE, facilities based, or resale, it has the responsibility as the local service provider to adhere to whatever service parameters it has agreed to with its customer. Along with its responsibilities associated with providing local service, MTSI also assumes responsibility for maintenance of service problems its end users might encounter. Although MTSI maintains the ultimate responsibility for providing service to its end users, Ameritech assists MTSI in trouble shooting problems that MTSI or its end users may be encountering. At relatively little cost, Ameritech is able to assist with trouble shooting problems by remotely testing facilities in an attempt to pinpoint the trouble. Despite the service rendered by Ameritech, MTSI proposes to charge Ameritech if Ameritech's trouble isolation is incorrect and the trouble actually does not appear in MTSI's network. This is yet another attempt by MTSI to extend Ameritech's responsibilities beyond the requirements of Telecommunications Act of 1996, and should not be accepted by this Commission.

Q. DOES THIS CONCLUDE YOUR TESTIMONY?

A. Yes.